

§ 13-603. Authorized disposition of offenders

A. Every person convicted of any offense defined in this title or defined outside this title shall be sentenced in accordance with this chapter and chapters 7, 8 and 9 of this title unless otherwise provided by law.

B. If a person is convicted of an offense, the court, if authorized by chapter 9 of this title, may suspend the imposition or execution of sentence and grant such person a period of probation except as otherwise provided by law. The sentence is tentative to the extent that it may be altered or revoked in accordance with chapter 9 of this title, but for all other purposes it is a final judgment of conviction.

C. If a person is convicted of an offense, the court shall require the convicted person to make restitution to the person who is the victim of the crime or to the immediate family of the victim if the victim has died, in the full amount of the economic loss as determined by the court and in the manner as determined by the court or the court's designee pursuant to chapter 8 of this title. Restitution ordered pursuant to this subsection shall be paid to the clerk of the court for disbursement to the victim and is a criminal penalty for the purposes of a federal bankruptcy involving the person convicted of an offense.

D. If the court imposes probation it may also impose a fine as authorized by chapter 8 of this title.

E. If a person is convicted of an offense and not granted a period of probation, or when probation is revoked, any of the following sentences may be imposed:

1. A term of imprisonment authorized by this chapter or chapter 7 of this title.
2. A fine authorized by chapter 8 of this title. The sentence is tentative to the extent it may be modified or revoked in accordance with chapter 8 of this title, but for all other purposes it is a final judgment of conviction. If the conviction is of a class 2, 3 or 4 felony, the sentence cannot consist solely of a fine.
3. Both imprisonment and a fine.
4. Intensive probation, subject to the provisions of chapter 9 of this title.
5. Intensive probation, subject to the provisions of chapter 9 of this title, and a fine.
6. A new term of probation or intensive probation.

F. IF PROBATION IS REVOKED FOR A CONVICTION OF A NON-VIOLENT CLASS 4, 5 OR 6 FELONY, AND THE REVOCATION IS FOR A VIOLATION OF THE TERMS OF PROBATION WHICH DO NOT CONSTITUTE A NEW SUBSTANTIVE

CRIMINAL OFFENSE, THE COURT SHALL GRANT CREDIT EQUIVALENT TO ONE HALF OF ALL TIME SERVED ON PROBATION BY THE DEFENDANT PRIOR TO SUCH REVOCATION. SUCH CREDIT SHALL BE APPLIED TOWARD ANY PRISON SENTENCE IMPOSED AS A RESULT OF SUCH REVOCATION. THIS SECTION SHALL NOT APPLY TO ANY REVOCATION OF A LIFE-TIME TERM OF PROBATION OR TO ANY OFFENSE FOR WHICH A DEFENDANT IS REQUIRED TO REGISTER PURSUANT TO § 13-2831.

FG. If an enterprise is convicted of any offense, a fine may be imposed as authorized by chapter 8 of this title.

GH. If a person or an enterprise is convicted of any felony, the court may, in addition to any other sentence authorized by law, order the forfeiture, suspension or revocation of any charter, license, permit or prior approval granted to the person or enterprise by any department or agency of the state or of any political subdivision.

HI. A court authorized to pass sentence upon a person convicted of any offense defined within or without this title shall have a duty to determine and impose the punishment prescribed for such offense.

IJ. If a person is convicted of a felony offense and the court sentences the person to a term of imprisonment, the court at the time of sentencing shall impose on the convicted person a term of community supervision. The term of community supervision shall be served consecutively to the actual period of imprisonment if the person signs and agrees to abide by conditions of supervision established by the state department of corrections. Except pursuant to subsection J, the term of community supervision imposed by the court shall be for a period equal to one day for every seven days of the sentence or sentences imposed.

JK. In calculating the term of community supervision, all fractions shall be decreased to the nearest month, except for a class 5 or 6 felony which shall not be less than one month.

KL. Notwithstanding subsection I, if the court sentences a person to serve a consecutive term of probation immediately after the person serves a term of imprisonment, the court may waive community supervision and order that the person begin serving the term of probation upon the person's release from confinement. The court may retroactively waive the term of community supervision or that part remaining to be served if the community supervision was imposed before July 21, 1997. If the court waives community supervision, the term of probation imposed shall be equal to or greater than the term of community supervision that would have been imposed. If the court does not waive community supervision, the person shall begin serving the term of probation after the person serves the term of community supervision. The state department of corrections shall provide reasonable notice to the probation department of the scheduled release of the inmate from confinement by the department.

LM. If at the time of sentencing the court is of the opinion that a sentence that the law requires the court to impose is clearly excessive, the court may enter a special order allowing the person sentenced to petition the board of executive clemency for a commutation of sentence within ninety days after the person is committed to the custody of the state department of corrections. If the court enters a special order regarding commutation, the court shall set forth in writing its

specific reasons for concluding that the sentence is clearly excessive. The court shall allow both the state and the victim to submit a written statement on the matter. The court's order, and reasons for its order, and the statements of the state and the victim shall be sent to the board of executive clemency.

§ 13-712. Calculation of terms of imprisonment

A. A sentence of imprisonment commences when sentence is imposed if the defendant is in custody or surrenders into custody at that time. Otherwise it commences when the defendant becomes actually in custody.

B. All time actually spent in custody pursuant to an offense until the prisoner is sentenced to imprisonment for such offense shall be credited against the term of imprisonment otherwise provided for by this chapter.

C. IF A SENTENCE IS THE RESULT OF THE REVOCATION OF PROBATION ON A NON-VIOLENT CLASS 4, 5 OR 6 FELONY, FOR A VIOLATION OF THE TERMS OF PROBATION WHICH DO NOT CONSTITUTE A NEW SUBSTANTIVE CRIMINAL OFFENSE, ONE HALF OF ALL TIME SERVED ON PROBATION BY THE DEFENDANT PRIOR TO SUCH REVOCATION SHALL BE CREDITED AGAINST THE TERM OF IMPRISONMENT OTHERWISE PROVIDED FOR BY THIS CHAPTER. THIS SECTION SHALL NOT APPLY TO ANY REVOCATION OF A LIFE-TIME TERM OF PROBATION OR TO ANY OFFENSE FOR WHICH A DEFENDANT IS REQUIRED TO REGISTER PURSUANT TO § 13-2831.

D. If a sentence of imprisonment is vacated and a new sentence is imposed on the defendant for the same offense, the new sentence is calculated as if it had commenced at the time the vacated sentence was imposed, and all time served under the vacated sentence shall be credited against the new sentence.

E. If a person serving a sentence of imprisonment escapes from custody, the escape interrupts the sentence. The interruption continues until the person is apprehended and confined for the escape or is confined and subject to a detainer for the escape. Time spent in actual custody prior to return under this subsection shall be credited against the term authorized by law if custody rested on an arrest or surrender for the escape itself, or if the custody arose from an arrest on another charge which culminated in a dismissal or an acquittal, and the person was denied admission to bail pending disposition of that charge because of a warrant lodged against such person arising from the escape.

F. The sentencing court shall include the time of commencement of sentence under subsection A and the computation of time credited against sentence under subsection B, C or D, **AND 13-603(F)** in the original or an amended commitment order, under procedures established by rule of court.